

## Nursing Documentation: Court Points To Nursing Progress Note, Dismisses Patient's Lawsuit.

The medical specialists at the hospital were having a difficult time sorting out the patient's symptoms and the results of extensive diagnostic tests.

The neurologist consulted with a cardiac surgeon and with a cardiologist about the likelihood the patient had a dissection of the ascending aorta.

The physicians concluded there was only a five percent chance the patient actually had a dissection of the aorta, but they also knew that if she did have an aortic dissection it certainly was a life-threatening situation.

The cardiac surgeon made the difficult decision to recommend to the patient going forward with a complex surgery to open the mediastinum for inspection, which in the end proved negative for any evidence of aortic dissection.

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***The medical records include a nursing progress note on the day of the procedure stating that a nurse spoke with the patient at length regarding the pending surgery and allowed time for the patient's questions.***

***In addition, the perioperative nursing record included a checkmark next to the statement, "Clear and concise explanation given to patient/family."***

COURT OF APPEAL OF LOUISIANA  
December 10, 2008

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The patient sued the cardiac surgeon for negligence and for lack of informed consent.

The Court of Appeal of Louisiana concurred with the lower court's decision to dismiss the case.

The surgeon was able to testify as to his discussions with the patient about the medical rationale for the procedure as well as the risks involved.

However, the only actual documentation the court could find indicating that the patient knew and agreed to what was going on was a nursing progress note from the day of surgery and the perioperative nursing flow chart.

Going ahead with surgery was the right course according to the expert medical testimony the court heard. **Lowrey v. Borders, \_\_ So. 2d \_\_, 2008 WL 5158243 (La. App., December 10, 2008).**